UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,030	11/08/2000	Donald F. Gordon	SEDN/247CIP6	2569

56015 7590 09/08/2006

PATTERSON & SHERIDAN, LLP/
SEDNA PATENT SERVICES, LLC
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY, NJ 07702

EXAMINER	
LONSBERRY, HUNTER B	
ART UNIT	**PAPER NUMBER**
2623	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/709,030	GORDON ET AL.	
	Examiner	Art Unit	
	Hunter B. Lonsberry	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/20/06 have been fully considered but they are not persuasive.

Applicant argues that Coleman fails to disclose maintaining track of which of a plurality of interactive program guide pages are currently received at a terminal from a headend by using a PMT, PAT and roster. Coleman discloses a trickle streams and future programming requests of Coleman are not directed at the same problem as the claimed invention and are transmitted from the headend to the terminal in the traditional way. Coleman fails to teach any roster and does not teach or suggest recovering any selected IPG page and presenting it to the viewer without requesting transmission of the selected IPG page as claimed.

Regarding applicant's argument, Coleman teaches a roster at column 13, line 49-column 14, line 51. In particular the roster consists of program guide elements stored in RAM, this includes the trickle data and demand data which has been received. Further memory is utilized to keep track of which PIDs the trickle data is received on. Coleman also teaches the use of PIDs to select data streams, which carry IPG content, selection of a PID does not require any transmission request at all. Thus with data being filtered by a PID and by utilizing data stored within RAM, Coleman does present a selected IPG page to a viewer without requesting transmission of a selected IPG page.

Oishi fails to teach or suggest saving bandwidth by transmitting only regions of IPG pages that are not currently received (page 7).

Regarding Applicant's argument, Coleman is relied upon to teach this function, see column 14, lines 23-62, column 17, and lines 22-65.

Applicant argues that Oishi fails to teach the step of maintaining track of which of a plurality of IPG pages are currently received at a terminal from a headend by using a PMT, PAT and roster (pages 7-8).

Regarding Applicant's argument, the Applicant has apparently confused functionality taught by Coleman with features relied upon by Oishi. Coleman fails to disclose maintaining track of which IPG pages are currently received by using a program association table (PAT). Oishi is relied upon for teachings of a PAT. In particular, Oishi discloses an MPEG2 enabled system which utilizes a PMT to identify audio, video, and data PIDS associated with an IPG page (column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, figure 4), and generating a PAT to identify the PIDs for the PMT for the EPG pages via the Event Information tables(column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, column 12, lines 29-42, 51-column 13, line 22, figure 5), thus enabling a STB to easy find requested programming content and making use of the high quality video MPEG2 offers.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Coleman to utilize the MPEG2 features and PAT as taught by Oishi for the advantage of enabling a STB to easy find requested programming content and making use of the high quality video MPEG2 offers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 23-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,844,620 to Coleman in view of U.S. Patent 6,779,195 to Oishi.

Regarding claim 23, Coleman discloses a method for keeping track of program indexes in an interactive delivery system, comprising:

maintaining track of which of a plurality of interactive program guide (IPG) pages are currently received at a terminal from a headend by using a program map table

(PMT) (column 13, lines 25-33), and a roster (column 13, line 49-column 14, line 22, program guide elements stored in RAM);

receiving a request from a viewer at the terminal for a selected IPG page (column 6, lines 39-43, column 18, lines 27-47);

determining whether the selected IPG page is currently received at the terminal from the headend by consulting the roster (column 13, line 62-column 14, line22) and

if the selected IPG page is currently received, then using the roster to determine which packet identifier (PIDs) used to transmit a plurality of regions of the selected IPG page, processing these PIDs to recover the selected IPG page, and presenting the selected IPG page to the viewer, without requesting transmission of the selected IPG page from the headend (column 14, lines 23-62, column 17, lines 22-65).

Coleman fails to disclose maintaining track of which IPG pages are currently received by using a program association table (PAT),

Oishi discloses an MPEG2 enabled system which utilizes a PMT to identify audio, video, and data PIDS associated with an IPG page (column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, figure 4), and generating a PAT to identify the PIDs for the PMT for the EPG pages via the Event Information tables(column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, column 12, lines 29-42, 51-column 13, line 22, figure 5), thus enabling a STB to easy find requested programming content and making use of the high quality video MPEG2 offers.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Coleman to utilize the MPEG2 features and PAT as taught by Oishi

for the advantage of enabling a STB to easy find requested programming content and making use of the high quality video MPEG2 offers.

Regarding claims 24, 29, and 34, Coleman discloses that if the selected IPG page is not currently received, the terminal requests transmission of the selected page from the headend (column 6, lines 30-58, the user requests the pages and it is stored in RAM and is formatted in the same format as the trickle stream).

Regarding claims 25, 30, and 35, Coleman discloses that roster elements for each page are transmitted from the headend to the terminal and stored at the terminal within the roster (column 8, lines 32-43, column 13, lines 25-column 14, line 8).

Regarding claims 26, 31 and 36, Coleman discloses that the roster is updated as new IPG pages are transmitted by the headend (column 13, line 49-column 14, line 22).

Regarding claim 27, 32, and 37, Coleman discloses that the roster is updated as old pages are removed (column 14, lines 7-22).

Regarding claim 28, Coleman discloses system for keeping track of program indexes in an interactive delivery system, comprising:

a tracking component at a terminal to maintain track of which of a plurality of interactive program guide (IPG) pages are currently received at the terminal from a

headend by using a program map table (PMT) (column 13, lines 25-33), and a roster (column 13, line 49-column 14, line 22, program guide elements stored in RAM); and

a remote control unit coupled to the terminal to receive a request from a viewer for a selected IPG page (column 13, line 62-column 14, line 7);

wherein the tracking component determines whether the selected IPG page is currently received at the terminal from the headend by consulting the roster (column 13, line 62-column 14, line22);

wherein, if the selected IPG page is currently received, then the tracking component uses the roster to determine which packet identifier are used to transmit a plurality of regions of the selected IPG page (foundation and schedule/title records, column 14, lines 52-62), processing these PIDS to recover the selected IPG page, and presenting the selected IPG page to the viewer, without requesting transmission of the selected IPG page from the headend (column 14, lines 23-62, column 17, lines 22-65).

Coleman fails to disclose maintaining track of which IPG pages are currently received by using a program association table (PAT),

Oishi discloses an MPEG2 enabled system which utilizes a PMT to identify audio, video, and data PIDS associated with an IPG page (column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, figure 4), and generating a PAT to identify the PIDs for the PMT for the EPG pages via the Event Information tables(column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, column 12, lines 29-42, 51-column 13, line 22, figure 5), thus enabling a STB to easy find requested programming content and making use of the high quality video MPEG2 offers.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Coleman to utilize the MPEG2 features and PAT as taught by Oishi for the advantage of enabling a STB to easy find requested programming content and making use of the high quality video MPEG2 offers.

Regarding claim 33, Coleman discloses a computer readable medium storing instructions for performing a method for keeping track of program indexes in an interactive delivery system, comprising:

maintaining track of which of a plurality of interactive program guide (IPG) pages are currently received at a terminal from a headend by using a program map table (PMT) (column 13, lines 25-33), and a roster (column 13, line 49-column 14, line 22, program guide elements stored in RAM);

receiving a request from a viewer at the terminal for a selected IPG page (column 6, lines 39-43, column 18, lines 27-47);

determining whether the selected IPG page is currently received at the terminal from the headend by consulting the roster (column 13, line 62-column 14, line22) and

if the selected IPG page is currently received, then using the roster to determine which packet identifier (PIDs) used to transmit a plurality of regions of the selected IPG page, processing these PIDs to recover the selected IPG page, and presenting the selected IPG page to the viewer, without requesting transmission of the selected IPG page from the headend (column 14, lines 23-62, column 17, lines 22-65).

Coleman fails to disclose maintaining track of which IPG pages are currently received by using a program association table (PAT),

Oishi discloses an MPEG2 enabled system which utilizes a PMT to identify audio, video, and data PIDS associated with an IPG page (column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, figure 4), and generating a PAT to identify the PIDs for the PMT for the EPG pages via the Event Information tables(column 4, line 47-, column 5, line 22, 63-column 6, line 9, 21-33, column 12, lines 29-42, 51-column 13, line 22, figure 5), thus enabling a STB to easy find requested programming content and making use of the high quality video MPEG2 offers.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Coleman to utilize the MPEG2 features and PAT as taught by Oishi for the advantage of enabling a STB to easy find requested programming content and making use of the high quality video MPEG2 offers.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL

HAITRAN
PRIMARY EXAMINER